

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC

In the matter of:)	
)	
Creation of a Low Power Radio Service)	MM Docket-99-25
)	
Amendment of Service and Eligibility Rules)	
for FM Broadcast Translator Stations)	MB Docket 07-172
)	

MOTION FOR SUPPLEMENTAL INFORMATION

REC Networks (“REC”), an unincorporated entity through its founder Michelle (Michi) Eyre is a long-time proponent for the Low Power FM (LPFM) radio service from the original petitions for the service through today and into the future. Over the years, REC has also been involved in other issues involving a citizen’s access to the electromagnetic spectrum. REC has also always had a concern about broadband availability in rural and other underserved areas.

Within the above captioned Third Further Notice of Proposed Rulemaking (“NPRM”), the Commission offers a “Market-Specific Translator Application Dismissal Processing Policy”¹ which recommends a recommends a maximum number of channels (a channel floor) that would be available for LPFM stations to make a determination of whether to dismiss translator applications². In order to make the determination of the number of channels available for a particular market, the Commission performed an analysis using a grid consisting of:

¹ - NPRM at 25.

² - NPRM at 26.

931 points – 31 points running east/east by 31 points running north/south. Grid points are located at one-minute intervals of latitude and longitude.³

Appendix A also included an Excel chart that included information for each market analyzed including the number of licensed stations, the number of LPFM channels available in the grid, the number of pending FM translator (FX) applications and the outcome of whether the translator applications would be processed or dismissed in the market.

REC feels that a very important piece of information was omitted from this Excel spreadsheet, the latitude and longitude of the center point on the grid (16, 16) where the one-minute by one-minute analysis started.

The Commission is proposing to make a decision on the outcome of thousands of applications that have been pending since 2003 while balancing the needs of Auction 83 applicants with the mandates of the Local Community Radio Act of 2010⁴.

Normally, when the Commission makes rulemaking decisions based on a geographic center point, they will publish the geographic coordinates of that geographic center location⁵ as that is the basis for the rules of a service.

³ - NPRM Appendix A.

⁴ - Pub. L. No. 111-371, 124 Stat. 4072 (2011).

The Commission is seeking comments on the tentative conclusions they have made on their analysis⁶. REC feels that in order to objectively comment on these tentative conclusions and the overall outcome of the Commission's findings, we must have the data that the Commission used to reach this finding.

REC feels that the public interest dictates a full and complete record in this proceeding. We feel that the disclosure of the geographic coordinates of the center point (16, 16) of the 31 x 31 grid that the Commission used to base a tentative decision on whether to dismiss or grant thousands of FM translator applications would allow those representing both LPFM and FM translator interests to be able to fully analyze the Commission's findings⁷.

⁵ - See §73.623(e) (defining the TV channels used for land mobile purposes in specified metropolitan areas based on a radius from a specified point), also §76.53 (reference points used for defining smaller television markets), also §90.22 (specifying urbanized areas where paging licenses on frequencies in the Public Safety Pool will be renewed if they are within 125km of the specified points shown), also §90.35(c)(61)(iv) (specifying the geographic coordinates of airports where particular Industrial Pool frequencies are available for use).

⁶ - NPRM at 26 and 30.

⁷ - On July 15, 2011, Michelle Eyre from REC Networks made an informal inquiry via e-mail to Media Bureau staff Peter Doyle and James Bradshaw in an effort to obtain this information. REC feels that this contact was not an ex-parte "presentation" under §1.202 of the Commission's rules as the request was simply for data used by the Commission to reach a tentative conclusion and highlighting that the data may benefit various parties in the proceeding and there was no attempt was made to persuade a decision. As of July 27, we have not received a response on that informal request. Therefore in the overall public interest, we felt that it was necessary to file this motion and to disclose this informal communication attempt. If necessary, upon the Commission's direction, we will file an ex-parte notice into the record of the above captioned proceeding.

Therefore, in the interest of achieving a full record, REC is motioning the Commission to issue a Public Notice with a revised Excel spreadsheet of the market tier analysis with additional columns showing the geographic coordinates used as the center point of the study area (16, 16) for each market evaluated.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Michelle A. Eyre".

Michelle (Michi) Eyre
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July 27, 2011

CERTIFICATE OF SERVICE

A copy of this motion has been served upon the following:

Peter Doyle
Chief, Media Bureau, Audio Division
(via E-mail)

James Bradshaw
Deputy Division Chief, Media Bureau, Audio Division
(via E-mail)